



3628 / CFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3628
Examiner : Bui, Thach H.
Serial No. : 09/578,085
Filed: : May 24, 2000
Inventor : Richard Palmeri
Title : SYSTEM FOR ELECTRONIC
: RE-ALLOCATION OF A
: TRANSACTION AMOUNT TO
: AN INVESTMENT

Docket: 1029-03

Dated: February 23, 2005

RESPONSE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated September 23, 2004.

We note with appreciation the Examiner's apparent withdrawal of all of the prior rejections. We respectfully request that the Examiner confirm that the prior rejections have been overcome.

We respectfully submit that solicited Claims 30-58 are patentable over Kalina (U.S. Patent No. 5,970,480). We respectfully note that the Kalina reference issued less than one year prior to the filing of the instant application. We respectfully submit that the Kalina reference is not prior art to the claimed invention.

As established and accepted by the Examiner in overcoming the previously accepted references in the response filed June 14, 2004, Mr. Palmeri has demonstrated that he invented the subject matter of the claimed invention in this country prior to the effective filing date of the Kalina patent as well. Mr. Palmeri conceived of the invention at least as early as November 1, 1996, as demonstrated by the Confidential Executive Summary sent by him to Charles Hamm of Independence Savings Bank on that date (attached to Mr. Palmeri's declaration). In his declaration, Mr. Palmeri also provided numerous examples of his ongoing attempts to implement the invention prior to his filing of the instant application.

We also respectfully submit that Kalina does not teach or suggest the claimed invention.

Accordingly, we respectfully request that the rejection under 25 U.S.C. 103(a) be withdrawn.

For the reasons set forth above, we respectfully submit that the solicited claims are now in proper condition for prompt allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Cona". The signature is written in a cursive, flowing style.

Frank A. Cona
Reg. No. 38,412